

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-26 are pending in this application. Claims 1 and 26 are the independent claims. Claims 1, 7 and 26 are currently amended.

Applicants note with appreciation the Examiner's indication that the drawings filed August 13, 2008 are acceptable.

ENTRY OF AMENDMENT AFTER FINAL REJECTION

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not present any additional claims without canceling the corresponding number of final rejected claims; and/or c) places the application in better form for an appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Voth + Chen

Claims 1, 2, 4-8, 12, 13, 16, 17, 19, 20, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,351,821 ("Voth") and further in view of U.S. Patent No. 7,051,090 ("Chen"). Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 1 recites a method for synchronizing network nodes in a subnetwork, comprising, among other things, **insuring no unauthorized communication takes place in a subnetwork by instructing the network nodes not to send any message without a request to the master.** (Emphasis Added)

The Examiner admits that Voth does not explicitly disclose "**insuring no**

unauthorized communication takes place in the subnetwork," as required by claim 1 and relies on the teaching of Chen to overcome the noted deficiencies of Voth.

The Examiner asserts that Chen, in column 10, lines 20-25, discloses throttling back data traffic to avoid congestion affecting voice data and guarantee smooth voice transmission. The Examiner asserts that the recitation "**insuring no unauthorized communication takes place in the subnetwork,"** in claim 1 reads upon the aforementioned operation of the Chen system.

Prior Limitation Did Not Read Upon Prior Art

Applicants respectfully disagree. The Chen system is a data-centric networking system which is also capable of supporting voice. Since voice is intolerant to transmission delays, it is transmitted as a priority signal. This is achieved using a control function built inside each CLIENT1 129 of FIG. 5 of Chen. Congestion in the Chen system is totally avoidable and smooth voice transmission is guaranteed if the operation rules given to CLIENT1 129 are to throttle back data traffic whenever traffic on the LAN is getting congested, so that voice may flow smoothly. Namely, the traffic in the Chen method does not require "authorization" to flow. Whenever congestion is detected during operation, the data traffic in the Chen system data is throttled back.

For these reasons, Applicants respectfully submit that Chen fails to disclose or fairly suggest "**insuring no unauthorized communication takes place in the subnetwork,"** as required by independent claim 1, thereby failing to overcome the noted deficiencies of Voth. Therefore, the combination Voth and Chen fails to render the limitations of independent claim 1 obvious to one of ordinary skill in the art.

Further Amendment to Claim 1

Nonetheless, as shown in the preceding section, Applicants have amended independent claim 1 to further distinguish over the prior art of record. For example,

the teachings of Voth and Chen, individually or in combination, fail to disclose, teach or fairly suggest "insuring no unauthorized communication takes place in a subnetwork **by instructing the network nodes not to send any message without a request to the master.**" (Emphasis Added)

With regard to independent claim 26, although claim 26 should be interpreted based solely upon the limitations present therein, it is allowable for at least reasons somewhat similar to those set forth with regard to independent claim 1.

Claims 2, 4-8, 12, 13, 16, 17, 19 and 20, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1, 2, 4-8, 12, 13, 16, 17, 19, 20, and 26 under 35 U.S.C. § 103(a) be withdrawn.

Voth + Chen + Rappaport

Claims 3, 11, 13, 15, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Voth-Chen and further in view of U.S. Patent No. 6,973,622 ("Rappaport"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claims 3, 11, 13, 15, and 18 are patentable over Voth and Chen, as discussed above, as Voth and Chen, alone or in combination, fail to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claims depend. Further, Rappaport would fail to overcome the noted deficiencies of Voth and Chen (even if combinable, which is not admitted). Therefore, the combination of Voth, Chen and Rappaport fails to render the subject matter of claims 3, 11, 13, 15, and 18 obvious

to one of ordinary skill in the art. Applicants respectfully request that the rejection of claims 3, 11, 13, 15, and 18 under 35 U.S.C. §103 be withdrawn.

Voth + Chen + Berthaud

Claims 9 and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Voth-Chen and further in view of U.S. Patent No. 6,157,957 ("Berthaud"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claims 9 and 21-25 are patentable over Voth and Chen, as discussed above, as Voth and Chen, alone or in combination, fail to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claims depend. Further, Berthaud would fail to overcome the noted deficiencies of Voth and Chen (even if combinable, which is not admitted). Therefore, the combination of Voth, Chen and Berthaud fails to render the subject matter of claims 9 and 21-25 obvious to one of ordinary skill in the art. Applicants respectfully request that the rejection of claims 9 and 21-25 under 35 U.S.C. §103 be withdrawn.

Voth + Chen + Renganarayanan

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Voth-Chen and further in view of U.S. Patent Application Publication No. 2003/0158971 ("Renganarayanan"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claim 10 is patentable over Voth and Chen, as discussed above, as Voth and Chen, alone or in combination, fail to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claim depends. Further,

Renganarayanan would fail to overcome the noted deficiencies of Voth and Chen (even if combinable, which is not admitted). Therefore, the combination of Voth, Chen and Renganarayanan fails to render the subject matter of claim 10 obvious to one of ordinary skill in the art. Applicants respectfully request that the rejection of claim 10 under 35 U.S.C. §103 be withdrawn.

INTERVIEW REQUESTED

If the Examiner remains unconvinced by the arguments set forth above, the Examiner is respectfully requested to contact the undersigned at the number below to arrange for a mutually convenient time to conduct an interview in connection with the present application.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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